

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: During the telephonic interview of 09-10-2009, the examiner asserted that Applicant's proposed amendment (see page 4 of the Interview Summary of 09/14/2009) would potentially raise a new grounds of rejection under 103 over Schatz et al. (of record) in view of Lindqvist et al. (see IDS filed 03/04/2005) which also teaches an in vitro peptide expression library. In response to the examiner's statement, Applicants provided the following response in the form of an email sent to the examiner on 09/11/2009:

"[A]s a result, the combination of Schatz and Lindqvist does not reach the scope of the proposed claim:

- Lindqvist is directed to covalent binding whereas the claims require non-covalent binding.
- Lindqvist conspicuously teaches away from employing non-covalent binding in an acellular environment. On page 4, lines 1 to 18, Lindqvist discusses the same types of prior art methods disclosed in Schatz, which require expression in a cell. The only acellular alternative disclosed in Lindqvist requires the use of covalent rather than non-covalent binding. Lindqvist mentions, but dismisses, a non-covalent binding approach. In fact, Lindqvist teaches why a translation step carried out in a cell is advantageous and why non-covalent systems would not be practical where an acellular approach is used. Lindqvist further identifies general problems and disadvantages with using non-covalent binding and why a skilled person should not consider using such an approach.

In sum, a combination of Schatz and Lindqvist would not teach, suggest or provide any motivation to arrive at the invention recited in the proposed claim, which requires non-covalent binding in an acellular environment."

2. In response to Applicant's arguments and the After-Final Amendment filed 09-18-2009, the examiner therefore withdraws the rejection of claims 1, 2, 4, 6, 10, 20-24, 27-32, and 34-44 under 35 USC 102(b) as being anticipated by Schatz et al. and the rejection of claims 3, 5, 7, 8, 9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Schatz et al (US Patent 6,156,511), and further in view of Praszquier et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Epps-Smith whose telephone number is 571-272-0757. The examiner can normally be reached on M-F, 10:00 AM through 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Janet L. Epps-Smith/
Primary Examiner, Art Unit 1633